

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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**FORTIETH LEGISLATIVE DAY  
FRIDAY, FEBRUARY 19, 2010**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused – Block, Crane, Hartgen, Labrador, Smith(24). Total – 5.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Laura Hampikian, Page.

### Approval of Journal

February 19, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 18, 2010

Mr. Speaker:

I return herewith enrolled [H 381](#), [H 380](#), and [H 441](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 381](#), [H 380](#), and [H 441](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 18, 2010

Mr. Speaker:

I transmit herewith [S 1323](#) which has passed the Senate.

WOOD, Secretary

[S 1323](#) was filed for first reading.

February 18, 2010

Mr. Speaker:

I return herewith [H 412](#), [H 413](#), and [H 437](#) which have passed the Senate.

WOOD, Secretary

[H 412](#), [H 413](#), and [H 437](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 19, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 579](#), [H 580](#), [H 581](#), [H 582](#), [H 583](#), [H 584](#), [H 585](#), [H 586](#), and [H 587](#).

CLARK, Chairman

[H 579](#) was referred to the Education Committee.

[H 580](#), [H 581](#), [H 582](#), [H 585](#), and [H 587](#) were referred to the Business Committee.

[H 583](#) and [H 586](#) were referred to the Transportation and Defense Committee.

[H 584](#) was referred to the Revenue and Taxation Committee.

February 18, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HJR 5](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HJR 5](#) was filed for second reading.

February 18, 2010

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 468](#), [H 469](#), and [HCR 39](#) and recommend that they do pass.

BLOCK, Chairman

[H 468](#), [H 469](#), and [HCR 39](#) were filed for second reading.

February 18, 2010

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 495](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 495](#) was placed on General Orders for consideration.

February 18, 2010

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 514](#), [H 515](#), and [H 516](#) and recommend that they do pass.

BARRETT, Chairman

[H 514](#), [H 515](#), and [H 516](#) were filed for second reading.

February 18, 2010

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 535](#) and report it back with amendments attached to be placed on General Orders for consideration.

BARRETT, Chairman

[H 535](#) was placed on General Orders for consideration.

February 18, 2010

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [HCR 40](#) and [HCR 41](#) and recommend that they do pass.

TRAIL, Chairman

[HCR 40](#) and [HCR 41](#) were filed for second reading.

February 19, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 564](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 564](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 588 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO OFFICE HOURS; AMENDING SECTION 59-1007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO OFFICE HOURS REQUIRED TO BE KEPT BY OFFICERS; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 589 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO FIREARMS MANUFACTURED IN IDAHO; TO PROVIDE A SHORT TITLE; TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3315A, IDAHO CODE, TO PROVIDE PROHIBITIONS ON REGULATION OF CERTAIN FIREARMS, FIREARM ACCESSORIES OR AMMUNITION BY THE FEDERAL GOVERNMENT, TO PROVIDE EXCEPTIONS, TO PROVIDE REQUIREMENTS FOR MARKETING OF FIREARMS IN IDAHO, TO PROVIDE APPLICABILITY AND TO PROVIDE DUTIES OF THE CONSTITUTIONAL DEFENSE COUNCIL; AND PROVIDING SEVERABILITY.

[H 588](#) and [H 589](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1323](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

### **Second Reading of Bills and Joint Resolutions**

[HCR 45](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 458](#), [H 509](#), and [H 527](#), by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

[S 1256](#) and [S 1257](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 544](#), by Education Committee, was read the second time by title and filed for third reading.

[SP 102](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[HCR 42](#), by State Affairs Committee, was read the second time by title and filed for third reading.

### **Third Reading of Bills and Joint Resolutions**

[H 416](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 416](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Block, Crane, Hartgen, Labrador, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 416](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House returned to the Seventh Order of Business. Mr. Durst objected.

Mr. Moyle moved the House return to the Seventh Order of Business. Seconded by Mr. Bedke.

The question being, "Shall the motion pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Chadderdon, Clark, Collins, Eskridge, Gibbs, Hagedorn, Hart, Harwood, Henderson, Jarvis, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd(08), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Shepherd(02), Smith(30). Total – 18.

Absent and excused – Block, Crane, Hartgen, Labrador, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared the motion passed and the House returned to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [HCR 42](#) be suspended; that the

portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HCR 42](#) be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Bedke.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Bolz, Boyle, Chadderdon, Clark, Collins, Eskridge, Gibbs, Hagedorn, Hart, Harwood, Henderson, Jarvis, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Schaefer, Shepherd(08), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 47.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Saylor, Shepherd(02), Smith(30). Total – 18.

Absent and excused – Block, Crane, Hartgen, Labrador, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HCR 42](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

Pursuant to Rule 38(3), Representative Killen disclosed a conflict of interest regarding [HCR 42](#).

The question being, "Shall [HCR 42](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Boe, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Shepherd(08), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 48.

NAYS – Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Smith(30), Trail. Total – 19.

Absent and excused – Block, Labrador, Smith(24). Total – 3.

Paired Votes:

AYE -- Crane	NAY -- Trail
AYE -- Hartgen	NAY -- Schaefer
AYE -- Hagedorn	NAY -- Shepherd(02)
AYE -- Patrick	NAY -- Saylor

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared [HCR 42](#) adopted and ordered the resolution transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

Mrs. Boe, having voted on the prevailing side, served notice that she may ask for reconsideration of the vote by which [HCR 42](#) passed the House.

[HCR 42](#) was ordered held at the Desk.

[H 417](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 417](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Boe, Bolz, Boyle, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Schaefer, Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – None.

Absent and excused – Block, Burgoyne, Crane, Hartgen, Labrador, McGeachin, Nonini, Saylor, Shepherd(02), Smith(24). Total – 10.

Total – 70.

Whereupon the Speaker declared that [H 417](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, February 22, 2010. There being no objection, it was so ordered.

There being no objection, the House advanced to the Thirteenth Order of Business.

### Miscellaneous and Unfinished Business

The time having expired for reconsideration of the vote by which [HCR 42](#) passed the House, the Speaker declared [HCR 42](#) passed the House and ordered the resolution transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Monday, February 22, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:49 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk